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August 7, 1995

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Chairman Reed Hundt  
Federal Communications Commission  
1919 M Street, N.W., Suite 800  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

RE: ET DOCKET NO. 94-124; RM-8308

*Ex Parte*

Dear Chairman Hundt:

As U.S. industry leaders who share a vital interest in the communication of information, we recognize the importance of having access to unlicensed frequencies above 40 GHz. We believe that availability of this spectrum will offer a unique opportunity for high-capacity wireless data products and services of many types. Therefore, we strongly urge the FCC to take the first step toward this goal by moving forward now to allocate the 59-64 GHz band exclusively for general unlicensed use, as proposed in the above-referenced proceeding.

In order for this unlicensed band to be used successfully, a set of agreed upon "rules of the road" needs to be established, which will allow a wide variety of products and services to share the band equitably and efficiently. We believe that a set of mandatory rules -- often referred to as "spectrum etiquette" -- offers the best means for achieving harmony in the band. Furthermore, our ability to use this frequency band internationally is critically important. U.S. Government and industry have an opportunity to take the lead in developing operating parameters for the band that will be adopted by other countries or, at least, will be compatible with those adopted in other countries, thus promoting global markets for our products and services.

Specifically, we urge the Commission to take the following actions:

1. As soon as possible, the Commission should issue a "First Report and Order" in the above-referenced proceeding, allocating the frequencies 59-64 GHz for use as a general unlicensed band in the U.S.
2. The "First Report and Order" should explicitly recognize the importance of a spectrum etiquette for general unlicensed spectrum and should direct interested parties in industry to form an industry working group within an appropriate forum to design such an etiquette for the general unlicensed millimeter wave band, and to demonstrate its efficacy to the Commission. This approach follows the example of the Commission's direction to private radio frequency coordinators to present a consensus recommendation regarding the consolidation of Private Land Mobile Radio (PLMR) service groups, which was made without the need either for a further notice of proposed rulemaking or a negotiated rulemaking. (See Report and Order in PR Docket No. 92-235, released 6/23/95.)
3. The industry forum that develops the etiquette should be directed to present its recommendations to the Commission within one year of publication of the "First Report and Order." These recommendations should include a plan for the completion of detailed specifications of the spectrum etiquette, and for type testing and certification of the

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equipment that implements it. Once approved, the industry-recommended spectrum etiquette should be incorporated by reference into the FCC Rules, and the Commission's intent to do so should be stated in the "First Report and Order." Until the spectrum etiquette and its associated type testing acceptance criteria are incorporated in the Rules, the Commission should withhold certification of any 59-64 GHz equipment.

It should be understood that the above recommendations apply only to the proposed general unlicensed millimeter wave band 59-64 GHz and are separate from, although possibly complementary to, activities related to the allocation of spectrum and the associated rulemaking that the Commission is addressing in RM8648 and RM8653.

We applaud the continued efforts of the Commission to take the first step in creating frequencies for unlicensed use above 40 GHz by allocating the important 59-64 GHz band now. We appreciate the opportunity to work with the Commission in defining a process that will ensure the smooth implementation of new products and services using this band.

Sincerely,

*(Signatures, addresses, and phone numbers appear on pages 3 - 8)*

Jim Lovette  
Principal Scientist  
Apple Computer, Inc.

David Giguere  
Manager, Radio Programs  
Communications Products Business Unit  
Hughes Aircraft

Frank Mathewson  
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Dr. Johns F. Rulifson  
Director, Technology Development  
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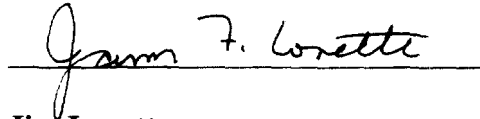
Rory Van Tuyl  
Senior Scientist  
Hewlett-Packard Company

Charles Brown  
President/COO  
Tetherless Access Ltd.

cc: Commissioner Andrew C. Barrett  
Commissioner Rachelle B. Chong  
Commissioner Susan Ness  
Commissioner James H. Quello  
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Dr. Michael J. Marcus

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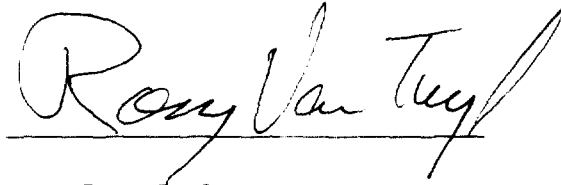
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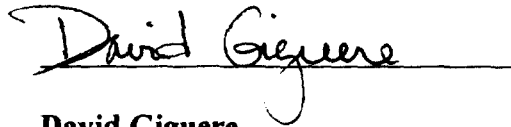
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